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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,979	04/12/2001	Carl Ellingsworth	10944-US	9733

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EXAMINER

RIOS CUEVAS, ROBERTO JOSE

ART UNIT PAPER NUMBER

2836

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/832,979

Applicant(s)

ELLINGSWORTH

Examiner

Roberto J Rios

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06/11/2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-21 is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because empty boxes should be labeled as to their proper function. Applicant labeled empty box (51') "switch" but failed to labeled empty box (51) "engine". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima (US patent 6,077,133) in view of Hauer (US patent 5,006,843).

As per claims 1 and 5, Kojima et al (herein after Kojima) teach an arrangement for preventing unauthorized access to a vehicle and a method for preventing unauthorized access to a vehicle having a motor, a power source for said motor, a magneto and a stator housed within an engine housing (col. 3, lines 7-46; Figure 2) and an ignition generator coil connected in electrical communication with said magneto (Figure 3), comprising the steps of: providing an ignition generator coil interrupt circuit (57) electrically connected to said ignition generator coil (46), said circuit for selectively interrupting power to said ignition generator; mounting said ignition generator coil

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interrupt circuit directly within a housing (18); providing switch means (53) connected to said circuit for allowing power interruption to said ignition generator coil; and activating said switch means to interrupt power to said ignition generator coil and disabling engine starting (col. 4, line 16). Kojima does not specifically disclose providing said ignition generator coil interrupt circuit directly within said engine housing. However, Hauer teaches providing an engine-interrupt circuit directly within said engine housing (col. 2, line 42).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kojima with the teachings of Hauer such that said ignition generator coil interrupt circuit is located directly within said engine housing for the purpose of making the engine circuit tamper proof, so removal of said interrupt circuit would require the removal of the engine itself.

As per claims 2 and 6, the combination of Kojima in view of Hauer teaches providing the ignition generator coil interrupt circuit mounted within said engine housing but does not specifically disclose mounting said interrupt circuit between said stator and said magneto. However, the Examiner takes official notice that it is well known in the art to selectively shift the location of a circuit component when said location shift does not modify the operation of the device, In re Japikse, 86 USPQ 70 (CCPA 1950).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kojima as an engineering design choice such that said interrupt circuit is mounted between said stator and said magneto for the purpose of maximizing the space available within the housing. Moreover, the Examiner agrees with applicant's statement that positioning said interrupt circuit between the

stator and the magneto is not a critical part of the invention and that said circuit could be positioned anywhere within the housing as long as a suitable connection to ignition generator coil is provided (page 3).

As per claims 3 and 7, Kojima teaches said ignition generator coil interrupt circuit being mounted adjacent said ignition generator coil (Figures 2, 3).

As per claims 4, Kojima teaches providing an opening in housing (18) for providing access for said switch means to said ignition generator coil interrupt circuit (Figure 2). Furthermore, Hauer teaches providing an opening in housing (1) for providing access for a switch means to said engine interrupt circuit (Figure 2).

As per claim 8, Kojima teaches said circuit being positioned between said ignition generator coil (46) and circuitry for starting said motor (Figure 2).

As per claims 13 and 14, Kojima teaches said switch means including a digitally encoded key (52) and a circuit to communicate with said key (col. 3, line 56); wherein said switch means further comprises an electrical/mechanical keylock switch (53) mounted to said housing in electrical communication with said circuit (Figure 3).

As per claim 15, Kojima teaches said vehicle being a watercraft.

4. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima in view of Hauer as applied to claim 5 above, and further in view of Phelon et al (US patent 2,892,110).

As per claim 9, Kojima teaches the system comprising a magneto and a stator but does not specifically disclose the stator comprising a stator plate. However, Phelon et al (herein after Phelon) teaches a magneto and stator, wherein said stator comprises a stator plate (col. 1, line 63+).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kojima with the teachings of Phelon such that the stator comprises a stator plate for the purpose of providing a carrying support for ignition generator coil.

As per claim 10, Kojima teaches providing the ignition generator coil interrupt circuit mounted within said housing but does not specifically disclose mounting said interrupt circuit between said stator and said magneto. However, the Examiner takes official notice that it is well known in the art to selectively shift the location of a circuit component when said location shift does not modify the operation of the device, In re Japikse, 86 USPQ 70 (CCPA 1950).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kojima as an engineering design choice such that said interrupt circuit is mounted between said stator and said magneto for the purpose of maximizing the space available within the housing. Moreover, the Examiner agrees with applicant's statement that positioning said interrupt circuit between the stator and the magneto is not a critical part of the invention and that said circuit could be positioned anywhere within the housing as long as a suitable connection to ignition generator coil is provided (page 3).

5. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima in view of Hauer and Phelon et al (US patent 2,892,110).

As per claims 16 and 17, Kojima in view of Hauer teaches all the limitations except providing a stator plate and mounting said ignition generator coil to said stator

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plate. However, Phelon teaches a magneto and stator, wherein said stator comprises a stator plate carrying an ignition coil (col. 1, line 63+).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kojima with the teachings of Phelon such that the stator comprises a stator plate for the purpose of providing a carrying support for ignition generator coil.

Kojima in view of Hauer teaches providing the ignition generator coil interrupt circuit mounted within said engine housing but does not specifically disclose mounting said interrupt circuit between said plate and said generator coil. However, the Examiner takes official notice that it is well known in the art to selectively shift the location of a circuit component when said location shift does not modify the operation of the device, In re Japikse, 86 USPQ 70 (CCPA 1950).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kojima as an engineering design choice such that said interrupt circuit is mounted between said stator and said magneto for the purpose of maximizing the space available within the housing. Moreover, the Examiner agrees with applicant's statement that positioning said interrupt circuit between the stator and the magneto is not a critical part of the invention and that said circuit could be positioned anywhere within the housing as long as a suitable connection to ignition generator coil is provided (page 3).

As per claim 18, Kojima teaches said vehicle being a watercraft.

6. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima in view of Hauer, as applied to claim 5 above, and further in view of Maxon (US patent 5,927,240).

As per claims 11 and 12, Kojima teaches using an electronic key and a circuit to communicate with said key but does not specifically disclose providing a remote control switch comprising a transmitter and a receiver mounted to said circuit. However, Maxon teaches a engine housing comprising a power interruption circuit, wherein said circuit comprises remote control switch means, a transmitter and a receiver mounted to said circuit (col. 31, line 11+).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Kojima with the teachings of Maxon such that said interrupt circuit comprises a remote control switch means, a transmitter and a receiver mounted to said circuit for the purpose of controlling enablement/disablement of said circuit from a remote location such as vehicle interior.

***Allowable Subject Matter***

1. Claims 19-21 are allowed.
2. The reasons for allowance were provided in the last office action mailed on 03/13/2003.
3. Art of general nature relating to vehicle engine control has been cited for applicant's review.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1,5 and 16 have been considered but are moot in view of the new ground(s) of rejection.



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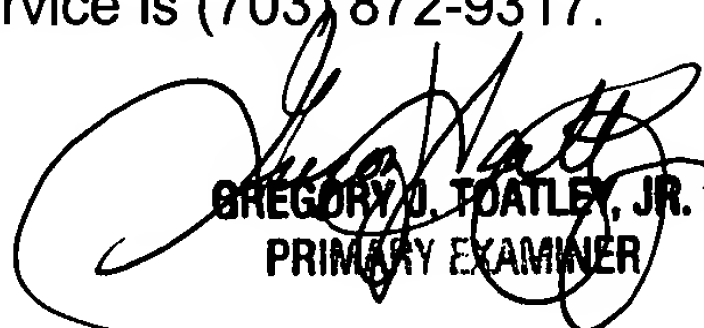
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

#### **Communication with PTO**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rios whose telephone number is (703) 306-5518. In the event that Examiner Rios cannot be reached, his supervisor, Brian Sircus may be contacted at (703) 308-3119. The fax number for Before-Final communications is (703) 872-9318, for After-Final communications is (703) 872-9319, and for Customer Service is (703) 872-9317.

Roberto J. Rios  
Patent Examiner

  
GREGORY D. TOATLEY, JR.  
PRIMARY EXAMINER